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July 23, 2008

Ravalli County Attorney's Office
George Corn, County Attorney
205 Bedford, Suite C
Hamilton, MT 59840

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Ravalli County Commissioners

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Ms. Laura Hendrix
Ravalli County Floodplain Administrator
215 South 4th Street, Suite F
Hamilton, MT 59840

RE: Krekeler LOMA Application

Dear George and Ms. Hendrix:

I am in receipt of your letters dated July 18, 2008 and July 15, 2008. George, your letter indicates certain facts and assumptions were incorrect based on Ms. Hendrix's letter. In fact, it confirms that my client is being asked to provide evidence of an event that never took place: placement of fill. Ms. Hendrix indicates no record of fill being placed exists. Ms. Krekeler has indicated that fill had not been placed on the property in her application. Yet, she was asked to provide information about fill being placed on the property based on Ms. Hendrix's conclusion that fill had "obviously" been placed on the property. No fill was placed, to the best of my client's knowledge, ever. She cannot be expected to prove a negative.

Additional criticisms in Ms. Hendrix's correspondence appear for the first time. I will investigate those issues, but the previous position taken by the County that my client provide information on fill that was never place on the property is not a basis to thwart her LOMA application.

Sincerely,


Dustin M. Chouinard
Attorney at Law
DMC/kb

cc: client
County Commissioners